

Application No: 10/829,252
Attorney's Docket No: ALC 3131

REMARKS

Claims 1-16 are pending in the present application of which claims 1 and 9 are independent. Applicant hereby amends claims 1, 7, 9, and 15.

The Office Action rejects claims 9-16 under 35 U.S.C. § 101 as allegedly "lack[ing] the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. § 101." The Office Action rejects claims 1-16 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Number 6,546,393 to Khan (hereinafter "Khan"). Applicant respectfully traverses the above rejections for at least the reasons set forth below.

REJECTION UNDER 35 U.S.C. § 101

The Office Action rejects claims 9-16 under 35 U.S.C. § 101 as allegedly "lack[ing] the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. § 101."

Applicant respectfully submits that it is well-settled law that claims to computer-readable media with instructions stored therein are statutory subject matter under 35 U.S.C. § 101. *See, e.g., In re Lowry*, 32 F.3d 1579, 32 U.S.P.Q.2d 1031 (Fed. Cir. 1994); *In re Warmerdam*, 33 F.3d 1354, 31 U.S.P.Q.2d 1754 (Fed. Cir. 1994). As stated in MPEP § 2106.01 and cited in the Office Action, "when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." MPEP § 2106.01 goes on to state that "a claimed computer-readable medium encoded

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with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." Applicant submits that the computer-readable medium recited in claims 9-16 includes instructions that enable the functions of storing, displaying, and adding bookmarks to be realized.

Thus, Applicant submits that claims 9-16 recite statutory subject matter under 35 U.S.C. § 101. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 101 be withdrawn.

REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects claims 1-16 under 35 U.S.C. § 102(b) as allegedly being anticipated by Khan. Applicant respectfully traverses this rejection. Applicant respectfully submits that Khan fails to disclose, teach, or suggest the subject matter according to the combinations recited in independent claims 1 and 9.

Claims 1 and 9 recite "storing a stored bookmark list of bookmarks, each bookmark being associated with a telecommunication network object." As stated in the specification, "in network management tools used in management of hierarchical telecommunications networks, operators work within a network management map display to drill down into layers of network maps to work with or identify network objects." See section [0002]. "Network object hierarchies can contain tens of thousands of network objects, such as network elements, groups

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of network elements, line cards, and ports." Id. "Each bookmark includes a name and an association with a network object within the network hierarchy." See section [0015].

Applicant respectfully submits that Khan does not disclose, teach, or suggest this subject matter. The system of Khan relates to "internet website directories and more particularly to dynamically user generated internet search directories based on prioritized server-sided user bookmarks." See col. 1, ln. 9-12. The specification and figures of Khan repeatedly refer to "websites," "browsers," "links," "World Wide Web," "Internet Explorer," "Netscape," etc. and do not state that the system could be extended to telecommunication network objects. See, e.g., col. 1, ln. 15-65; FIGS. 3, 19, 20. With respect to the process of directly adding bookmarks, Khan states that "a user may add bookmarks by typing the URL (web site address) into the box next to 'New Link' and then clicking on 'Add'." See col. 16, ln. 44-54. Thus, the bookmarks in Khan are associated solely with URLs of websites and are not associated with telecommunication network objects. The system of Khan therefore does not "stor[e] a stored bookmark list of bookmarks, each bookmark being associated with a telecommunication network object."

At least by virtue of the failure of Khan to disclose, teach, or suggest the above quoted subject matter according to the combinations recited in claims 1 and 9, the Office Action has failed to meet the standard of anticipation under 35 U.S.C. § 102. Claims 2-8 depend from allowable claim 1 and are allowable over Khan at least by virtue of their dependencies. Claims 10-16 depend from allowable claim 9 and are also allowable over Khan at least by virtue of their dependencies.

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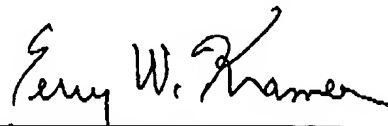
For at least the forgoing reasons, Applicant respectfully requests that the rejection of claims 1-16 as allegedly being anticipated by Khan be withdrawn.

CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.



Terry W. Kramer
Registration No.: 41,541

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KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314
Phone: 703-519-9801
Fax: 703-519-9802